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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARC EPSTEIN, MARK COLLINS, PETER BARCLAY,
BRIAN KARNEY, and GLENN RICART

Appeal 2010-003313
Application 09/750,500
Technology Center 3600

Before ALLEN R. MACDONALD, KALYAN K. DESHPANDE, and ERIC
B. CHEN, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 40-44, 47-55, 58-62, and 64-67. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary independent claim 40 under appeal reads as follows:

40. A method for a service provider to provide services to a plurality of client computers, the method comprising:

providing a first set of services on a first set of one or more servers of the service provider to the plurality of client computers by providing secure access to the first set of one or more servers by the plurality of client computers, but prohibiting secure access to the plurality of client computers by the first set of one or more servers; and

providing a second set of services on a second set of one or more servers of the service provider to the plurality of client computers by providing secure access to the plurality of client computers by the second set of one or more servers, but prohibiting secure access to the second set of one or more servers by the plurality of client computers.

Examiner's Rejection

The Examiner rejected claims 40-44, 47-55, 58-62, and 64-67 under 35 U.S.C. § 102(e) as being anticipated by Erpeldinger (US 6,557,169 B1).

Appellants' Contention

Appellants contend that the Examiner erred in rejecting claims 40-44, 47-55, and 58-61, because:

In the response to arguments section on page 5 of the Final Office Action mailed 9/23/08, the Examiner contends that

the software distribution function of Erpeldinger qualifies as "software distribution software" (see OA, page 5, lines 7-8). However, the remarks in this section are completely silent with respect to the feature of "prohibiting secure access to the second set of one or more servers by the plurality of client computers" as recited in claims 40 and 51. Moreover, no other portion of Erpeldinger discloses the pertinent features. Accordingly, Erpeldinger does not disclose the limitations of paragraph (2) of claims 40 and 51, as alleged in the Office Action. Based on the foregoing, Erpeldinger does not disclose all the limitations of claim 40 or 51. Accordingly, claims 40-44, 47-55, and 58-61 are patentable over Erpeldinger.

In short, Erpeldinger describes nothing more than - at best from the Examiner's viewpoint - a client computer that receives services from multiple servers. Applicant is not claiming to be the first to connect a client computer to multiple servers. As clearly recited in applicants' claims at issue, and as explained at least at pp. 5-7, in the present invention "there are no two way trusts" and back to back one way trusts are used between a client and each of two different sets of servers. Erpeldinger's [sic] use of a client connected to two servers conventionally does not anticipate these claims.

(App. Br. 13). Appellants present the same arguments with respect to claims 62 and 64-67 (App. Br. 13-15).

Issue on Appeal

Did the Examiner err in rejecting claims 40-44, 47-55, 58-62, and 64-67 as being anticipated because Erpeldinger fails to disclose the argued claim limitations?

ANALYSIS

We agree with the Appellants' above contentions. The Examiner has erred in finding that Erpeldinger anticipates the claims.

Separately, we direct the Examiner's attention to Brown (US 7,103,784 B1) which describes the meanings and relationship of two-way and one-way trusts.

CONCLUSIONS

(1) Appellants have established that the Examiner erred in rejecting claims 40-44, 47-55, 58-62, and 64-67 as being anticipated under 35 U.S.C. § 102(e).

(2) On this record, claims 40-44, 47-55, 58-62, and 64-67 have not been shown to be unpatentable.

DECISION

The Examiner's rejection of claims 40-44, 47-55, 58-62, and 64-67 is reversed.

REVERSED

ELD